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Attorneys for Defendants  
 GUIDANT CORPORATION, GUIDANT SALES CORPORATION,  
 and CARDIAC PACEMAKERS, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 (SAN FRANCISCO DIVISION)

LORRAINE FURTADO, DENNIS FOUGHT,  
 THOMAS PAGE, and CARMEL FUNSTON,  
 on behalf of themselves and all others similarly  
 situated,

Plaintiffs,

v.

GUIDANT CORPORATION, GUIDANT  
 SALES CORPORATION, and CARDIAC  
 PACEMAKERS, INC.,

Defendants.

Case No. C:05-3160 MHP

(Related to Case No. C:05-3042 MHP)

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER FOR EXTENSION OF TIME TO  
 ANSWER OR OTHERWISE RESPOND TO  
 PLAINTIFFS' COMPLAINT AND TO  
 CONFER REGARDING ADR PROCESS  
 SELECTION**

IT IS HEREBY STIPULATED by and between the parties through their designated  
 counsel that the deadline for Defendants to answer or otherwise respond to Plaintiffs' Complaint  
 shall be extended pending a transfer decision by the Judicial Panel on Multidistrict Litigation  
 ("JPML").

IT IS HEREBY FURTHER STIPULATED that the deadline for the parties to confer  
 regarding ADR process selection and to file related ADR pleadings pursuant to ADR L.R. 3-5 and  
 Civil L.R. 16-9 shall be extended pending a transfer decision by the JPML.

1 In a number of cases pending against Defendants in federal courts in various states,  
2 plaintiffs have filed motions to transfer and to consolidate their cases under 28 U.S.C. 1407 in the  
3 proceedings entitled *In re: Guidant Corp. Implantable Defibrillators Products Liability Litigation*,  
4 MDL Docket No. 1708. A hearing on these motions was held before the JPML on September 29,  
5 2005. The parties anticipate a ruling in the near future and expect that this case will be transferred to  
6 a jurisdiction which will oversee the coordinated proceedings. In the short intervening time between  
7 now and a determination by the JPML on whether to grant those motions, the time and resources of  
8 the parties should not be expended in answering or responding to the complaint or in submitting to  
9 ADR.

10 Pursuant to this stipulation, the deadline by which Defendants must answer or  
11 otherwise respond to the Complaint in this action is as follows: (a) if those motions to transfer and  
12 consolidate are *granted* by the JPML, a deadline set by the transferee court; or (b) if those motions  
13 are *denied* by the JPML, thirty (30) days after such denial.

14 Additionally, pursuant to this stipulation, in the event that the motions to transfer are  
15 *denied* by the JPML, the parties agree to confer regarding ADR process selection and to file related  
16 ADR pleadings pursuant to ADR L.R. 3-5 and Civil L.R. 16-9 within thirty (30) days of such denial.

17 October 12, 2005

Respectfully submitted,

LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, L.L.P.

By: 

ELIZABETH J. CABRASER  
LORI E. ANDRUS  
TODD A. WALBURG

Attorneys for Plaintiffs  
LORIANNE FURTADO, DENNIS  
FOUGHT, THOMAS PAGE, and  
CARMEL FUNSTON, on behalf of  
themselves and all others similarly  
situated.

1 October 12, 2005

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

3  
4 By:   
5 DANA N. GWALTNEY  
6 SARA J. ROMANO

7 Attorneys for Defendants  
8 GUIDANT CORPORATION,  
9 GUIDANT SALES CORPORATION,  
10 and CARDIAC PACEMAKERS, INC.

11 **ORDER**

12  
13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14  
15 Dated: October 13, 2005

16 THE HONORABLE

